## GOVERNMENT OF MYSORE.

### LABOUR AND MUNICIPAL ADMINISTRATION DEPARTMENT (LABOUR)

*Labour Dispute.*—Industrial Dispute between the Workmen and the Management of M/s. Navabharat Slate Works, Bagalkot.

Award of the Labour Court, Hubli—Published.

Read the following papers :

(1) Letter No. R 19/66-67/1181, dated 28th November 1966, from Shri Syed Azizuddin Ahmed, Presiding Officer, Labour Court, Hubli.

## IN THE LABOUR COURT AT HUBLI.

*Dated 26th November 1966.*

**Reference (ID) (LCH) No. 19 of 1966.**

**Present :**

Sri Syed Azizuddin Ahmed, M.A. B.L., ... *Presiding Officer.*

*Between*

The Workmen of Navabharath Slate Works, Ltd., Bagalkot, represented by The General Secretary, Navabharat Slate Factory Workers' Union, Bagalkot ... *I Party.*

*And*

The Management M/s. Navabharath Slate Works, Ltd., Bagalkot, District, Bijapur ... *II Party.*

This is a reference under Section 10(1)(c) of the Industrial Disputes Act, 1947, made by the Government of Mysore in their Order No LMA 550 LLD 65, dated 21st February 1966. The points of Dispute referred for adjudication are as under:—

"1. Is the Management M/s. Navabharat Slate Works, Bagalkot, justified in refusing to supply of 'Bhoosa' free of cost to the workers since June, 1964 as was being supplied all along and also whether the Management is justified in refusing to refund the amount taken from the Workmen towards Bhoosa since June, 1964 ?

If not, to what other relief the Workmen are entitled ?

2. Is the abovesaid Management justified in refusing to meet the medical expenses and also pay the wages during the period under medical treatment to Sri Adivayya Halagali ?

If not, to what other relief the Workmen are entitled ?

3. Is the abovesaid Management justified in refusing work to Sri Panduranga Sangam in Enamel Section, when he went to the factory after lay-off period ? If not, to what other relief he is entitled to ?

4. Whether Sri Ahmed Athni, is entitled to wages for the period of lay-off with effect from 19th July 1964 to 14th July 1965 ? If not, to what other relief is he entitled to ?

2. The cause of the aggrieved Workmen has been espoused and sponsored by The Navabharat State Factory Workers' Union, Bagalkot, represented by its General Secretary. Sri N. K Upadhyaya, President of the I Party Union appeared for it while the Management is represented by Sri V. N Apte, Legal Remembrancer and Public Relations Officer of the Employers' Association of India, Hubli.

3. In response to the notices issued by the Court, the I Party filed its Claim Statement, dated 17th June 1966 and the II Party, its Counter-Statement, dated 14th July 1966.

4. The pith and substance of the Claim Statement is that since a very long time, the Management used to supply one bag of Bhoosa per week *i.e.*, on every Sunday free of cost to their Workmen. They stopped it suddenly after August, 1964 and began charging Re. 1 per bag of Bhoosa. The Workmen are entitled to receive one bag of Bhoosa per week as usual and they are entitled to refund of money collected by the II Party. The next point is that Sri Adivayya Halagali got an injury to his eye while on duty and informed the same to the Management. He took treatment for two days under Dr. B. M. Kulkarni and requested the Management to meet his medical bill of Rs. 12 and pay him two days' wages for the period he was absent. But the Management refused to meet the bill and to pay him two days' wages. Sri Pandurang Sangam was a permanent employee of the II Party with two years service to his credit. He was laid off along with other. After lay-off on 22nd August 1964 he went to

the factory and reported himself to resume the duty. But the II Party refused him work saying that one substitute had been appointed in his place. The action of the Management is not legal. Sri Pandurang Sangam is entitled to reinstatement with back wages from 22nd August 1964. The Management declared lay-off in the factory from 29th June 1964 due to the shortage of electricity. Accordingly, all the Workmen were laid-off including Sri Ahmed Athani. He has not been paid wages for one week *i e.*, from 19th July 1964 to 24th July 1964 during the lay-off period. He is entitled to be paid wages for the period from 19th July 1964 to 24th July 1964. The Management resisted Claim Statement point by point tooth and nail.

5. The points of dispute were adopted as issues in the case. The I Party examined in all eight witnesses, Sri Virupaxayya has been examined twice. In rebuttal, the II Party examined two witnesses and closed their evidence. Three documents were marked for I Party and two for the II Party.

## FINDINGS

I shall discuss the dispute relating to the free supply of Bhoosa The case of the I Party is that the Management has been supplying Bhoosa since a long time, they stopped it after August, 1964 and started charging the Workmen Re. 1 per bag. Allabax, W. W. 1, Hussensab, W W. 2 and Virupaxayya, W. W. 3 deposed that the Management used to supply them Bhoosa free of charge, one bag per week. But the truth of their statement appears to be doubtful. Sri Virupaxayya, W. W. 3 in his Examination-in-Chief deposed that the Management used to give the Workmen Bhoosa free of charge originally, to those who were residing within the factory premises and to those residing outside. He could not withstand the strain of cross-examination. He admitted during the course of cross-examination that he did not take Bhoosa free of charge at any time. It is pertinent to know that this Workman though staying within the factory premises, has not received the Bhoosa at any time. All these witnesses in one voice admit that there was no agreement that Bhoosa would be supplied to them free of charge. There seems to be much force in the contention of the learned representative of the II Party that the Bhoosa was originally doled out to needy Workmen or staff-members during sickness or during maternity period.

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6. In rebuttal, V. M. Patil, M.W. 1, who is the manager of the factory deposed that there was no practice to give each one of the Workmen one bag of Bhoosa per week free of charge Maganlal, M. W. 2, one of the partners of the II Party stepped into the witness-box and deposed that there was no practice to supply Bhoosa to the Workmen free of charge. The Management is a small factory manufacturing slates. The Bhoosa is only a by-product. It cannot be expected that they would have Bhoosa in such a large quantity to give one bag per Workman per week. In the absence of any agreement to supply Bhoosa of one bag per week free of charge, it cannot be held that the Workmen are entitled to receive one bag of Bhoosa free of charge per week. They are not entitled to the refund of the amount paid in purchasing Bhoosa. This point is decided accordingly.

*Point No. 2.*—This relates to the medical charges of Adivayya Halagali, as he has stepped into the witness-box as W. W 4. He deposed that he suffered an injury to his eye and informed the same to the manager. The latter said the injury was not caused on duty and that they were not going to do anything in the matter. He then went to Dr. Kulkarni's clinic and got treated for eleven days in all. It is amusing to hear the witness admitting during the course of cross-examination that the doctor who treated him is a School Teacher. What reliance can be placed upon the deposition of a witness, who admits that he had taken eleven days treatment for his eye injury with a School Teacher? May be, the School Teacher was an expert in the art, but the Management cannot be expected to bear the medical charges. V. M Patil, M.W. 1 denied that Adivayya had brought to his notice that he had received an injury to his eye. He deposed that they refer the factory workers to Dr. Malagi in general and Dr. Hemantanavar for ailment to the eye. There is also a public hospital at Bagalkot. When Sri Adivayya had preferred the School Teacher to Dr Hemantanavar and to the Medical Officers in the public hospital, he has done so at his own risk. The management cannot be asked to foot this bill of Rs. 12. However, Virupaxayya, who has been examined as W W. 5, stated that Adivayya Halgali had received injury to eye while working in the factory on the grinding machine at about 9 A M. Adivayya had told him that the manager had refused to accept the statement that injury was caused while on duty. The injured was absent for two days, his eye was good when he resumed his duty. On point No. 2 I hold that on humanitarian grounds and on consideration of social justice, he is

# ANNEXURE

Reference (ID) (LCH) No. 19 of 1966.

*Witnesses examined for I Party*

W.W. 1 Allabax S/o Hussensab
W.W. 2 Hussensab S/o Imamsab
W.W. 3 Virupaxayya S/o Madiwalayya
W.W. 4 Adivayya S/o Erayya
W.W. 5 Virupaxayya S/o Madiwalayya
W.W. 6 Pandurang N. Sangam
W W. 7 Mahaveer S/o Gomateshappa
W.W. 8 Ahmed S/o Mehaboobsab
W.W. 9 Anant V. Sangam

*Witnesses examined for II Party*

M.W. 1 Vasant M. Patil
M.W. 2 Maganlal J. Chouhan

*Documents marked for I Party*

Exhibits:

W-1 Letter to the Manager of II Party placing the demands of the workmen dated 27th November 1963.

W-2 Demands raised before the Assistant Labour Commissioner on 24th December 1963.

W-3 Strike notice served on 23rd January 1964.

*Documents marked for II Party*

M-1 True copies of the musters of the II Party in respect of Sri Pandurang Sangam from January 1964 to 5th September 1964.

M-1(a) Endorsement made before the name of Sri Pandurang Sangam below S. No. week No. 46 of Ex. M-1.

M-2 Receipt for the payment of Rs. 21 paid to Sri V. M. Kadampur by II Party.

Place : Hubli.
Date : 26-11-1966

SYED AZIZUDDIN AHMED,
*Presiding Officer,*
*Labour Court, Hubli.*